

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission		Kaua‘i Fire Commission	Meeting Date	December 2, 2019	
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 2:00 p.m.		End of Meeting:4:28 p.m.
Present	Chair Chad Pacheco; Vice Chair Linda Kaauwai-Iwamoto; Commissioners: Jen Chahanovich, Alfredo Garces Jr., Alfred Levinthol and Michael Martinez. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Andrew Michaels; Fire Department: Deputy Fire Chief Kilipaki Vaughan,				
Excused	Commissioner Thomas Nizo				
Absent					

SUBJECT	DISCUSSION	ACTION
Call To Order		With six members present, Chair Pacheco called the meeting to order.
Chair Comments	Next Regular Monthly Meeting – 2 p.m. on Monday, January 6, 2020 at the Mo'ikeha Building, Room 2A/2B. Executive Session to follow.	
Approval of Meeting Minutes	Regular Open Session Meeting Minutes of November 4, 2019.	Ms. Chahanovich moved to approve the minutes as circulated. Mr. Martinez seconded the motion. The motion carried 6:0.
Communication	<ul style="list-style-type: none"> Letter dated November 5, 2019 from Deputy Fire Chief Kilipaki Vaughan to Chair Chad Pacheco regarding rescue and medical calls made by tourists and residents on Kaua'i. 	Mr. Martinez moved to receive the communication for the record. Mr. Levinthol seconded the motion. The motion carried 6:0.
Employees of the Month Recognition	<ul style="list-style-type: none"> Ocean Safety Lead Fire Mechanic Matthew Simao Fire Fighter II Alan Satta 	Chair Pacheco announced that Deputy Chief Vaughan has asked him if he could defer

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		the recognition for employee of the month and his monthly reports to
Monthly Reports	<ol style="list-style-type: none"> 1. Deputy Chief's Activities & Events 2. Bureau Reports 3. Fiscal Report 4. Daily Flight Hours and Alarm Data 5. Strategic Initiatives and Goals 6. Chief's announcements and other pertinent updates – Commendation dated November 25, 2019 from Rabbi Howard Jacoby Ruben to the Kaua'i Fire Department 	
Business KFC 2019-13	<p><u>Discussion and decision-making on the Permitted Interaction Group No. 3 recommended essay questions for Fire Chief Candidates who will be moving on to the next phase of the hiring process.</u></p> <p>Chair Pacheco called for a motion to accept, amend or deny the Group's recommendations on a list of essay questions for the next phase of the hiring process.</p> <p>Ms. Ching informed the Commissioners that they needed to set a deadline to receive the responses to the essay questions, establish a font size to prevent the answers from being too small or too large in font size, set a guideline that the candidates must submit their responses in a single sided letter size page and the amount of pages the Commission feels is adequate.</p> <p>Mr. Martinez stated that he would make a motion that all responses must be received by Monday, December 9, 2019 no later than 5:00 p.m. Hawai'i Standard Time.</p> <p>Ms. Ching also recommended that the applicants use a 12 point font size for their responses to which Ms. Chahanovich agreed. Chair Pacheco called for the motion.</p>	<p><u>Motion No. 1</u> Mr. Martinez moved to approve the essay questions as presented by the Group at the last Commission meeting. Vice Chair Iwamoto seconded the motion. The motion carried 6:0.</p> <p><u>Motion No. 2</u> Mr. Martinez moved that all responses to the essay questions must be received by Monday, December 9, 2019 no later than 5 p.m. Hawai'i Standard Time. Mr. Levinthol seconded the motion. The motion carried 6:0.</p>

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		<p><u>Motion No. 3</u> Ms. Chahanovich moved that the responses to the essay questions come in a 12 point font size format. Mr. Garces seconded the motion. The motion carried 6:0.</p> <p><u>Motion No. 4</u> Ms. Chahanovich moved that the typed answers be printed one sided and no more than five pages. Mr. Martinez seconded the motion. The motion carried 6:0.</p>
KFC 2019-16	<p><u>Discussion and decision-making on establishing Permitted Interaction Group No. 4 with the same members to investigate the type of interview questions and report its recommendations to the Commission at a subsequent meeting.</u></p> <p>Chair Pacheco stated that to his understanding PIG No. 4 has not met yet therefore would like to call for a motion to defer item KFC 2019-16.</p>	<p>Mr. Martinez moved to defer Item KFC 2019-16. Mr. Garces seconded the motion. The motion carried 6:0.</p>
KFC 2019-17	<p><u>Selection of Chair and Vice Chair for calendar year 2020.</u></p> <p>Chair Pacheco opened the floor for nominations.</p> <p>Mr. Garces stated that he's willing to volunteer to be the new Chair for calendar 2020. Hearing objections from the Commissioners, Chair Pacheco called for the motion. Ms. Chahanovich stated that she is also willing to volunteer to be the new Vice Chair for calendar year 2020. Hearing no objections, Chair Pacheco called for the motion.</p>	<p>Mr. Martinez moved to select Mr. Garces as the new Chair for calendar year 2020. Mr. Levinthol seconded the motion. The motion carried 6:0.</p> <p>Mr. Levinthol moved to select Ms. Chahanovich as the new Vice Chair for calendar year</p>

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		2020. Mr. Martinez seconded the motion. The motion carried 6:0.
KFC 2019-18	<p><u>Discussion and decision-making on adopting an official chain of command if in multiple vacancies occur in the upper management level of the Kaua‘i Fire Department.</u></p> <p>Chair Pacheco stated that at the last meeting, the Commission received information from Acting HR Director Janine Rapozo and was presented with a proposal from Battalion Chief Kanoho expressing his willingness to fill in as the Acting Interim Fire Chief for the Kaua‘i Fire Department until the Commission hires a new Fire Chief. He asked if there was anyone in the audience who wished to give testimony on item KFC 2019-18. He called upon Mr. Robert Westerman to testimony.</p> <p>Mr. Westerman testified that he had offered his services to the Fire Commission and the Kaua‘i Fire Department and will continue to do so because he has a personal stake in seeing that the right interim decision is made. He also testified that it was brought to his attention that at the last meeting, the Commissioners were notified that Assistant Fire Chief Mike Scovel plans to retire at the end of December, Deputy Fire Chief Vaughan submitted a resume for the Fire Chief’s position and that his return rights to a lieutenant was granted by the Mayor, which is great, but it still puts the Deputy in a very precarious position.</p> <p>Mr. Westerman testified that he is in favor of the Commission’s hiring process because the Commission needs to deliberate to make sure that it hires the best person for the job because the position is critical to the life and safety of the residents and visitors to Kaua‘i.</p> <p>He make it clear that he is against appointing the Battalion Chief as the Acting Interim Fire Chief position because it’ll take the best trained leaders out of the busiest and riskiest bureau and put undue risk and stress on the Department. It may be great for short term, but from what he was told the hiring process could take up to August 2020 to complete. He voiced his concerns that the Commission needs to an experience and seasoned Interim Fire Chief as soon as possible because in the next 30 to 90 days the Kaua‘i Fire Department will be undergoing budgetary hearings, promotions, hiring’s and a transitional period to a new Fire</p>	

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	<p>Chief. He commented that the Commission needs to continue its hiring process expeditiously but at a pace where it selects the right person. With no further testimony, Mr. Westerman thanked the Commissioners for giving him the opportunity to testify.</p> <p>Chair Pacheco asked the Commissioners if they had any questions for Mr. Westerman regarding his testimony. Hearing none. He thanked Mr. Westerman for his testimony, then asked the Commissioners what course of action they would like to take. Mr. Martinez stated that before he makes a decision he would like to hear back from Battalion Chief Solomon Kanoho as to what his thoughts are relative to Mr. Westerman's testimony and to clarify how long he's willing to remain in the Acting Interim Fire Chief position if the Commission was to appoint him.</p> <p>Chair Pacheco asked what the process entails to hire an Acting Interim Fire Chief to which Ms. Ching stated that Ms. Rapozo and Ms. Niitani are stand-by and she would contact them now to have come to the meeting, also that she'll try to contact B/C Kanoho to see if he's available as well.</p> <p>At 2:17 p.m. Chair Pacheco called for a motion to postpone the discussion until all parties are present.</p>	<p>Mr. Martinez moved to postpone the discussion relating to item KFC 2019-18. Ms. Chahanovich seconded the motion. The motion carried 6:0.</p>
KFC 2019-19	<p><u>Receipt of letters of recommendation addressed to the Fire Commission.</u></p> <p>Chair Pacheco stated that the Commission received letters of recommendation for a candidate vying for the Fire Chief's position and would like a motion to receive the letters for the record. After the motion was voted on, Chair Pacheco moved to the employees' recognition.</p>	<p>Mr. Martinez moved to receive item KFC 2019-19. Mr. Levinthol seconded the motion. The motion carried 6:0.</p>
Employees Recognition for the month of November	<p>Deputy Fire Chief Vaughan requested a three minute recess. His request was granted by Chair Pacheco.</p> <p>At 2:19 p.m. the meeting recessed. At 2:25 p.m. the meeting reconvened.</p>	

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	<p>Ocean Safety Lead Fire Mechanic, Supervisor Matthew Simao commended by the Office of the Fire Chief and Ocean Safety Chief Kalani Vierra as employee of the month for November. With over 18 years of service as a mechanic in the County, Mr. Simao is highly motivated and demonstrates efficient decision-making when dealing with mechanical issues. He continuously performs at a level of proficiency and is well respected by his staff. Chair Pacheco along with the Commissioners commended Mr. Simao for his outstanding and exemplary service to ensure that the ocean safety bureau's rescue vehicles are in top working order. The recognition for Fire Fighter II Alan Satta was deferred to the Commission's January 6, 2020 meeting.</p>	
<p>Chief's Monthly Reports for November</p>	<ol style="list-style-type: none"> 1. Deputy Chief's Activities & Events 2. Bureau Reports 3. Fiscal Report 4. Daily Flight Hours and Alarm Data 5. Strategic Initiatives and Goals 6. Chief's announcements and other pertinent updates – Commendation dated November 25, 2019 from Rabbi Howard Jacoby Ruben to the Kaua'i Fire Department 7. Next Recruit testing is scheduled in May 2020 <p>Deputy Fire Chief Vaughan gave a narrative of the data reflected in his Monthly Reports highlighting the numerous federal grants the Department received to cover the cost for extrication training (\$22,000), a \$286,000 grant to purchase an initial attack mini pumper and a \$3.2 million 75/253 year sliding staffing adequate fire emergency grant to cover the cost for 12 rescue team firefighters in the Hanalei Fire Station, his attendance to the Marijuana Management Symposium in Denver, Colorado and Council's approval to accept a donation from the Kaua'i Life Guard Association for two ATV vehicles worth \$16,205.22 for the Ocean Safety Bureau.</p> <p>Mr. Martinez asked Deputy Fire Chief Vaughan to share with the Commissioners what he has learned from attending the symposium to which Deputy Fire Chief Vaughan replied that he has learned that the process to refine HEMP to a usable fiber to make a variety of commercial items can be very dangerous and that the 2018 edition of NFPA 1, Fire Code</p>	

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	<p>gives a reader a more comprehensive and integrated approach to fire code regulation in terms of hazard management, building safety, the latest fire protection requirements for fire alarms, water sprinklers, building and it addresses life safety issues. He added that there is a push to build two HEMP processing plants, one in Kōloa and the other one in Kīlauea and because of that the Department has been actively meeting with its proprietors and with the knowledge he has gained at the symposium he is able to apply all of the mandated requirements in the fire code. Mr. Martinez asked if the extended hours for the ocean safety life guards was implemented to which D/C Vaughan replied that in June 2019 the Kaua‘i Fire Department signed a Memo of Understanding to move its roving patrol units to four/ten hour days starting at 8 a.m. till 6 p.m. With nothing further to report, Chair Pacheco called for a motion to receive the Chief’s Monthly Reports.</p>	<p>Mr. Martinez moved to receive the Chief’s Monthly Reports. Mr. Levinthol seconded the motion. The motion carried 6:0.</p>
<p>Executive Session KFC 2018-002</p>	<p>Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Fire Chief and other related matters where consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities and liabilities as they may relate to this agenda item. (On-going)</p>	<p>At 2:47 p.m. Ms. Ching cited the following Hawai‘i Revised Statutes to take the meeting into Executive Session.</p>
<p>ES KFC 2019-009</p>	<p>Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to deliberate and make decisions on a list of candidates the PIG has recommended moving forward to the second phase of the hiring process and to discuss the individual candidates qualifications’ where consideration of matters affecting privacy will be involved. The further purpose of this Executive Session to consult with the Commission’s legal counsel on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities and liabilities as they may relate to this agenda item.</p>	
<p>ES KFC 2019-010</p>	<p>Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve or amend the Executive Session minutes of November 4, 2019 and to consult with its attorney on issues pertaining to the Commission’s powers, privileges, immunities, and or liabilities as they may relate to this agenda item</p>	<p>Mr. Martinez moved to enter into Executive Session. Ms. Chahanovich seconded the motion. The motion carried 6:0. At 2:49 p.m. the Commissioners entered into Executive Session.</p>

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Return to Open Session	<p>At 4:11 p.m. the Commissioners reconvened in Open Session to continue the discussion and decision-making relating to item KFC 2019-18.</p> <p>Chair Pacheco stated that based on the responses from Deputy Fire Chief Vaughan and Battalion Kanoho the Commission needs to decide what direction it would like take to address multiple vacancies that would affect the Department's chain of command.</p> <p>Mr. Martinez stated that he would like to make a motion that the Commission provide a job offer for temporary assignment to retired Fire Chief Robert Westerman. Mr. Levinthol seconded the motion.</p> <p><u>Discussion</u></p> <p>Mr. Garces asked how long would his term be to which Chair Pacheco explained that to his understanding it would be on an 89 day contract until the Commission hires a new Fire Chief, but if the Commission finds itself still in the hiring process it can extend the contract to another 89 day until a new Fire Chief is selected.</p> <p>Ms. Ching asked what happens if Mr. Vaughan wanted to continue being the Deputy Fire Chief does the Commission still want to move forward with the temporary assignment of Mr. Westerman to which Mr. Martinez replied yes.</p> <p>Mr. Garces stated that he thinks it is vital for the Commission to appoint Mr. Westerman especially with the budget reviews coming around the corner.</p> <p>At 4:16 p.m. Chair Pacheco called for a five minutes recess to consult with counsel on a legal question.</p> <p>While waiting for counsel to address the issue, Vice Chair Iwamoto to the opportunity to thank all of the Battalion Chiefs for their willingness to step-up to insure continuity for the sake of the Department.</p>	

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	<p>At 4:25 p.m. the meeting was called back to order.</p> <p>Mr. Jensen explained to the Commissioners that because the item to appoint an Acting Interim Fire Chief is not specifically reflected on the December 2, 2019 agenda in accordance to the Sunshine Law the action to appoint Mr. Westerman as the Acting Interim Fire Chief would need to be placed on another separate agenda to allow public comment and consideration.</p> <p>Mr. Martinez thanked Mr. Jensen for clarifying the process and then withdrew his motion which was followed by Mr. Levinthol withdrawing his second. Chair Pacheco announced that a special meeting will be held on December 11, 2019 at 9:00 a.m. to address the appointment of an Acting Interim Fire Chief and salary.</p>	
<p>Ratify the Actions taken in Executive Session</p>	<p>Chair Pacheco called for a motion to ratify the actions taken in Executive Session.</p>	<p>Mr. Martinez moved to ratify the actions taken in Executive Session. Ms. Chahanovich seconded the motion. The motion carried 6:0.</p> <p>ES KFC 2018-002: On-going</p> <p>ES KFC 2019-009: Motion carried 6:0 to move forward the seven seventeen candidates to the essay phase of the hiring process and exclude candidate number 4.</p> <p>ES KFC 2019-010: Motion carried 6:0 to approve the Executive Session Minutes of November 4, 2019.</p>

SUBJECT	DISCUSSION	ACTION
Adjournment	With no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting.	Mr. Martinez moved to adjourn. Mr. Levinthol seconded the motion. The motion carried 6:0. At 4:28 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Alfredo Garces Jr., Chair-elect

- () Approved as circulated on
(x) Approved as amended on January 6, 2020.